

Remarks

Claims 40-43 have been amended, leaving claims 40-43 pending in the application. Applicant requests the Examiner re-evaluate the rejection of the pending claims in view of these amendments and the remarks that follow.

Claim 40 recites a method of forming conductive lines that includes forming an oxide isolation grid between silicon structures. Claim 40 has been amended to recite that at least a portion of the grid surrounds the lateral edges of at least one of the structures and that an upper portion of one of the structures is bare. Claim 40 goes on to recite forming conductive material within the oxide isolation grid to form a conductive grid therein and removing selected portions of the conductive grid to define interconnect lines within the oxide isolation grid. Claim 40 is allowable for at least the reason that the cited references do not teach or suggest forming an oxide isolation grid between silicon structures with at least a portion of the grid surrounding the lateral edges of at least one of the structures and an upper portion of one of the structures being bare.

Claim 40 is anticipated "only if each and every element as set forth in the claims are found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In order for a prior art reference to anticipate a claim it is further required that "The identical invention must be shown in as complete detail as is contained in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Furthermore, the Examiner bears the burden of factually supporting any conclusion of obviousness and the applicants need not submit any evidence of

non-obviousness until the Examiner produces a *prima facie* case that the claims are obvious. At least one of the three basic criteria that must be met when establishing a *prima facie* case of obviousness is that all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580, 582-3 (CCPA 1974).

Claim 40 is allowable for at least the reason that the cited references do not teach or suggest all the elements of claim 40. For example, the cited references do not teach or suggest forming an oxide isolation grid between silicon structures with at least a portion of the grid surrounding the lateral edges of at least one of the structures and an upper portion of one of the structures being bare. As such, claim 40 is allowable in view of the cited references and applicant requests allowance of claim 40 in the Examiner's next action.

Claims 41-43 have been amended for clerical reasons only and not for purposes of patentability. No new matter has been added through these amendments. Claims 41-43 depend from claim 40 and allowable for at least the reasons cited above regarding claim 40.

Claims 40-43 are pending and are believed to be in immediate condition for allowance. Applicant requests allowance of claims 40-43 in the Examiner's next action.

If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the Examiner is requested to contact the undersigned at (509) 624-4276, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. (PST).

Respectfully submitted,

Dated: 8/29/05

By: 

Robert E. Hyta
Reg. No. 46,791

— END OF DOCUMENT—